

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

FERMIN CORTEZ, et. al,)	
)	
Plaintiffs,)	8:08CV90
and)	
)	
DAVID CHUOL, et. al)	8:08CV99
)	
Plaintiffs,)	
)	
vs.)	ORDER CONCERNING
)	CLASS NOTICE
NEBRASKA BEEF, LTD. ,)	
NEBRASKA BEEF, INC. ,)	
)	
Defendants.)	

This matter is before the court on the defendants' motions for Notice to Rule 23 Class, to Continue Trial, for Expedited Briefing Schedule, and For Oral Argument ([Filing No. 195](#), Case 8:08CV90; [Filing No. 301](#), Case 8:08CV99). It is hereby ordered:

1. Pursuant to the Court's Order certifying a class ([Filing No. 185](#)) dated February 16, 2010, as well as Fed. R. Civ. P. 23(c)(2)(B), a Notice of Pendency of Class Action shall be mailed to the following group of individuals:

All current and former non-exempt, hourly production and support employees who have been employed at any time by Nebraska Beef, Ltd. and/or Nebraska Beef, Inc. at the Omaha, Nebraska processing facility during the time period March 4, 2004 to the present, and who use personal protective equipment (the "Class").

2. Defendants shall produce within three business days to the Notice Administrator, Rust Consulting, Inc., a computer-readable data file containing the names, last known addresses, last known telephone numbers, and social security numbers of all Class members so that notice may be implemented.

3. The Court approves the form of Notice of Pendency of Class Action attached as Exhibit 1 to the Index of Evidence in Support of Plaintiffs' Opposition to Defendants' Motions (Filing No. [196](#)): (1) for Notice to Rule 23 Class; (2) to Continue Trial; (3) for Expedited Briefing Schedule; and (4) for Oral Argument.

4. The Court orders that English and Spanish versions of the Notice of Pendency of Class Action shall be sent by the Notice Administrator to all Class members by U.S. first class mail within five business days of receiving the class list.

5. The Notice Administrator shall follow the procedures set forth in the Declaration of Rust Consulting by Eric Bishop.

6. Class members shall have until **June 18, 2010** to opt out of the claims certified under Fed. R. Civ. P. 23 in this lawsuit.

7. Rust Consulting shall send copies of all opt outs received from Class members to Plaintiffs' Counsel, who will file them with the Court.

8. Defendants and their employees shall not communicate with any Class members concerning the Notice of Pendency of Class Action during the notice period without first obtaining the Court's permission.

9. Defendants' motion to extend the trial date is denied. Trial shall proceed by special setting on **June 21, 2010**.

10. Defendants' motion for an expedited briefing schedule is denied.

11. Defendants' motion for oral argument on the motion is denied.

DATED this 9th day of April, 2010.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge